

**REMARKS**

Claims 11, 12, and 33-41 were pending in the present application. Claims 11, 12, and 34-40 have been canceled herein without prejudice to their presentation in another application. New claims 42-49 have been added herein, support for which can be found throughout the specification and in the canceled claims. No new matter has been added. Upon entry of the present amendment, claims 33 and 41-49 will be pending.

**I. The Claimed Invention is Novel**

Claims 34-40 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,713,059 (hereinafter, the “Kende reference”). Although Applicants disagree with the reasons for rejection, solely to advance prosecution of the present application, claims 34-40 have been canceled herein without prejudice to their presentation in another application. Thus, the present rejection is moot.

**II. The Claimed Invention is Not Obvious**

Claims 11, 12, and 34-40 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Kende reference in view of McCafferty et al., Nature, 1990, 348, 552-554 (hereinafter the “McCafferty reference”) and U.S. Patent No. 5,254,671 (hereinafter the “Chang reference”). Although Applicants disagree with the reasons for rejection, solely to advance prosecution of the present application, claims 11, 12, and 34-40 have been canceled herein without prejudice to their presentation in another application. Thus, the present rejection is moot.

**III. The Claimed Invention Is Supported by Ample Written Description**

Claims 34-40 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Although Applicants disagree with the reasons for rejection, solely to advance prosecution of the present application, claims 34-40 have been canceled herein without prejudice to their presentation in another application. Thus, the present rejection is moot.

**IV. Obviousness-Type Double Patenting**

Claims 11, 12, and 33-41 are provisionally rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of co-pending application Serial No. 10/599,355 (hereinafter, the '355 application) and over claims of co-pending application Serial No. 11/568,673 (hereinafter, the '673 application). Claims 11, 12, and 34-40 have been canceled herein and, thus, the rejections are moot with respect to these claims. Thus, the provisional rejection only applies to claims 33 and 41. Although Applicants disagree with the rejections as they are applied to claims 33 and 41, as a preliminary matter, §804 of the MPEP states:

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.

Thus, because the present application is the earlier-filed application of the three filed applications, and the provisional obviousness-type double patenting rejections should be the only remaining rejections in the present application, Applicants respectfully request that the rejections be withdrawn and the present application proceed to allowance.

**V. All Pending Claims are Now Allowable**

Claims 33 and 41 remain pending and should be in condition for allowance (i.e., the only rejection of claims 33 and 41 is the provisional rejection discussed above). New claims 42-45 are dependent on claim 41 and simply split out each deposit into separate claims. Likewise, new claims 46-49 are dependent on claim 33 and also split out each deposit into separate claims. Thus, new claims 42-49 should also be in condition for allowance.

**VI. Conclusion**

Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at 610.640.7859 to resolve any remaining issues.

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**PATENT**

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

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